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THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPANY TO
EXTEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY IN CASA
GRANDE, PINAL COUNTY, ARIZONA.

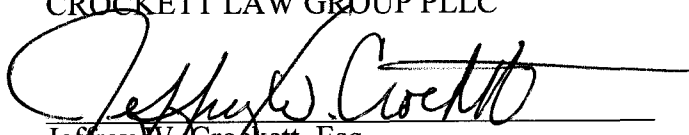
DOCKET NO. W-01445A-03-0559

NOTICE OF FILING

On September 3, 2015, Ernest Johnson submitted a letter to Executive Director Jodi Jerich requesting written permission from the Arizona Corporation Commission to appear as a witness on behalf of Cornman Tweedy 560, LLC, in the above-captioned docket. A copy of Mr. Johnson's letter is attached hereto.

RESPECTFULLY submitted this 11th day of September, 2015.

CROCKETT LAW GROUP PLLC


Jeffrey W. Crockett, Esq.
1702 East Highland Avenue, Suite 204
Phoenix, Arizona 85016
Attorney for Cornman Tweedy 560, LLC

ORIGINAL plus thirteen (13) copies
filed this 11th day of September, 2015, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing hand-delivered
this 11th day of September, 2015, to:

Dwight Nodes, Chief Administrative Law Judge
Hearing Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street

Arizona Corporation Commission
DOCKETED

SEP 11 2015

DOCKETED BY 

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1 Phoenix, Arizona 85007

2 Janice Alward, Chief Counsel
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4 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
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5 Thomas M. Broderick, Director
6 Utilities Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

8 **COPY** of the foregoing sent via e-mail and
9 U.S. Mail this 11th day of September, 2015, to:

10 Steven A. Hirsch, Esq.
11 BRYAN CAVE LLP
Two North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4406

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STRATEGUS

Public Interest and Regulatory Consulting

Ernest G. Johnson, Sr.

Principal Consultant

September 3, 2015

Jodi Jerich
Executive Director
Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007

RE: Docket No. W-01445A-03-0559, IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY TO EXTEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY IN CASA GRANDE, PINAL COUNTY, ARIZONA.

Dear Ms. Jerich:

Administrative Law Judge Sarah Harping issued a procedural order in the above-referenced matter in which she concluded that A.A.C. R14-3-104 (G) applies to my participation as a witness for Corman Tweedy 560 LLC in Docket W-01445A-03-0559. Additionally, ALJ Harping concluded that I must obtain written permission from the Commission for me to be permitted to serve as a witness in this matter.

I am writing to you because I am not aware of any specific process or procedure by which I should make my request to the Commission. Please consider this correspondence as my written request to the Commission seeking its written authorization to participate as a witness in the above-reference docket. I submit that my request:

- Is consistent with the public interest;
- Does not conflict with any position that is being asserted by Utilities Division Staff ("Staff") in the proceeding; and
- Will assist the Commission in its efficient consideration, determination and processing of the issues in this proceeding.

The Public Interest

As you know, the public interest is the centerpiece of all regulatory oversight. This is particularly true as it relates to the Commission's regulatory oversight of public utilities. The Commission, in its consideration of the broad public interest, has an extensive history of considering and balancing competing and conflicting issues. The Commission utilizes a very open and less formal approach in its receipt of testimony and evidence that is relevant and useful in its consideration, assessment and determination of various utility matters. The Commission has demonstrated a willingness to receive and consider relevant testimony (over objection) and to assign it the appropriate weight that

the Commission felt that it warranted, consistent with the broad public interest. The pre-filed testimony I have submitted in this matter is relevant and will assist the Commission in its consideration of the very narrow issues, which were identified in the procedural order issued by ALJ Dwight Nodes on December 23, 2013.

Although the issues are narrow in the second remand proceeding, the public interest considerations are significant, and deserve full consideration and justify receipt of all relevant testimony. All parties retain the ability to examine witnesses and to test the credibility of all testimony.

No conflict of interest with Utilities Division Staff

I am not aware of any conflict of interest considerations that have been asserted by Staff in the second remand proceeding. Although this matter (in one form or another) has been pending for over a decade, the issues presently before the Commission are narrow in scope and were identified by procedural order subsequent to my tenure as Utilities Division Director.

Moreover, there is no evidence in the docket that I initiated and reviewed data requests, developed analytical memorandums, prepared testimony, was a witness for Staff, or that I assisted in those activities in any material way. While my name appears on one Staff Report (which was originated by Jim Fisher and initialed by Steve Olea) and two transmittal memos accompanying Staff Reports (neither of which was originated by me), these were at best *de minimus* and ministerial actions in my supervisory role as Director of the Utilities Division, not as an assigned Staff member taking an active part in the investigation or preparation of the case.

I would add also that I have no inside knowledge of Staff's position in this case as a result of my former employment with the Commission, and I have not held the title of Utilities Division Director since August 2009, more than six years ago. My last day physically at the Commission was the last business day of 2012, which is more than two and a half years ago.

Regulatory Efficiency

After a decade of vigorous litigation before the Commission, I believe this matter is primed for final determination. The testimony that I offer in the second remand proceeding will assist the Commission in reasonably and efficiently reaching a final conclusion, which reflects consideration of the broad public interest and specific consideration of the issues identified by ALJ Nodes, as previously referenced. The issues identified by the Commission in the second remand proceeding demonstrate the Commission's desire for a full and robust consideration of the remaining issues in an efficient and timely manner. I submit that the testimony I offer in the second remand proceeding will assist the Commission in accomplishing its goal in a reasonable, timely and fully considered manner consistent with the broad public interest.

Jodi Jerich, Executive Director
September 3, 2015
Docket No. W-01445A-03-0559
Page 3

I very much appreciate your assistance and the Commissions' consideration of my request. Please let me know if I can provide any additional information or of any other required process.

Thanks,

A handwritten signature in black ink, appearing to read 'E. G. Johnson, Sr.', with a long horizontal flourish extending to the right.

Ernest G. Johnson, Sr.,
STRATEGUS
Public Interest and Regulatory Consulting
Browntie54@gmail.com